

### **Remarks**

Claims 1-11, 13-16 and 18-37 are pending in this application. By this Amendment, Applicants have amended Claims 1, 10, 15, 21, 22, 33, 35 and 36, and added new Claim 37. Applicants have amended Claims 1, 10, 15, 21, 22, 33, 35 and 36 so as to more clearly distinguish the present invention, as defined by each of Claims 1, 10, 15, 21, 22, 33, 35 and 36, over the prior art. Applicant has also amended Claims 1, 10, 15, 21, 22, 35, and 36 in order to overcome the 35 U.S.C. §112 rejections. Applicants respectfully submit that the amendments to each of Claims 1, 10, 15, 21, 22, 33, 35, 36, and 37 do not contain new matter. Applicants respectfully submit that the present invention, as defined by Claims 1-11, 13-16 and 18-37, is patentable over the prior art.

Applicant has also deleted the Abstract of the Disclosure and has substituted therefor the new Abstract of the Disclosure, which is attached hereto on a separate sheet. Applicants respectfully submit that the new Abstract of the Disclosure does not contain new matter.

Based on the foregoing amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

### **I. THE 35 U.S.C. §112 REJECTIONS AND “FORMAL” MATTERS:**

The Examiner asserts that Claims 1, 10, 15, 21, 22, 35, and 36 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, at page 2 of the Office Action, mailed August 5, 2008, the Examiner stated: “Said claims recite

*‘generating an outcome indicator independent of and differently distributed from the trial outcome; displaying the outcome indicator to the user’.* Said limitation is indefinite because it is not clear the linkage between an outcome indicator and a trial outcome. Are same terms related?” (emphasis in original).

As noted above, Applicants have amended Claims 1, 10, 15, 21, 22, 35, and 36 so as to overcome the 35 U.S.C. §112 rejections. Applicants have amended each of Claims 1, 10, 15, 21, and 22 so that the pertinent portions of said Claims recite: “wherein the outcome indicator is generated independently of the trial outcome, and wherein the outcome indicator is representative of a winning trial outcome or a losing trial outcome, and further wherein the outcome indicator for a winning trial outcome has a distribution associated with a first statistical distribution and the trial outcome has a distribution associated with a second statistical distribution, and further wherein the first statistical distribution has a distribution which is different from the second statistical distribution”.

Applicants have amended Claim 35 so that the pertinent portions of said Claims recite: “wherein the outcome indicator is generated independently of the probability of winning, and wherein the outcome indicator is representative of a winning trial outcome or a losing trial outcome, and further wherein the outcome indicator for a winning trial outcome has a distribution associated with a first statistical distribution and the probability of winning has a distribution associated with a second statistical distribution, and further wherein the first statistical distribution has a distribution which is different from the second statistical distribution”.

Applicants have amended Claim 35 so that the pertinent portions of said Claims recite: “wherein the outcome indicator is generated independently of the probability of winning, and

wherein the outcome indicator is representative of a winning trial outcome or a losing trial outcome, and further wherein the outcome indicator for a favorable outcome has a distribution associated with a first statistical distribution and the probability of winning has a distribution associated with a second statistical distribution, and further wherein the first statistical distribution has a distribution which is different from the second statistical distribution.”.

Applicants respectfully submit that the above amendments to each of the respective Claims provides the clarification sought by the Examiner.

In view of the foregoing, Applicants respectfully submit that Claims 1-11, 13-16 and 18-37, including Claims 1, 10, 15, 21, 22, 35, and 36, are in compliance with 35 U.S.C. §112. In view of the foregoing, Applicants respectfully request that the Examiner’s 35 U.S.C. §112 rejection of Claims 1, 10, 15, 21, 22, 35, and 36 be withdrawn,

## **II. THE 35 U.S.C. § 103 REJECTIONS:**

The Examiner asserts that Claims 1, 2, 6-11, 13-16, 18-26, 27, 28, and 31-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. App. Pub. No. 2003/0054888 to Walker, (Walker I) in view of website to bottomdollar.com, <http://www.web.archive.org/web/19991013040730/http://bottomdollar.com/index.html> (bottomdollar), and further in view of U.S. Patent No. 6,364,765 to Walker (Walker II). The Examiner further asserts that Claims 3-5, 29 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker I in view of bottomdollar, and further in view of Walker II and U.S. Patent No. 6,331,143 to Yoseloff (Yoseloff).

As noted above, Applicants have amended Claims 1, 10, 15, 21, 22, 33, 35 and 36 and added Claim 37 so as to more clearly distinguish the present invention, as defined by such claims, over the prior art. Applicants therefore respectfully submit that the invention, as claimed in Claims 1-11, 13-16 and 18-37, is patentable over the prior art.

Applicants submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination thereof, do not disclose, teach, or suggest, “electronically and randomly generating a trial outcome of an event trial, the probability of the event trial generating a winning trial outcome corresponding to the calculated probability of winning”, both of which features are specifically recited features of independent Claim 1.

Applicants submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest, “generating an outcome indicator, wherein the outcome indicator is generated independently of the trial outcome, and wherein the outcome indicator is representative of a winning trial outcome or a losing trial outcome, and further wherein the outcome indicator for a winning trial outcome has a distribution associated with a first statistical distribution and the trial outcome has a distribution associated with a second statistical distribution, and further wherein the first statistical distribution has a distribution which is different from the second statistical distribution”, and “displaying the outcome indicator to the user; and in response to a winning trial outcome, purchasing the selected product for the user from the independent third-party retail vendor at no cost to the user”, all of which features are specifically recited features of independent Claim 1.

Applicants further respectfully submit that the present invention, as defined by independent Claim 1, is patentable over Walker I, bottomdollar, Walker II, Yoseloff, and any combination thereof. Applicants submit that Walker I, bottomdollar, Walker II, Yoseloff, and

any combination of same, do not disclose, teach, or suggest, a method of providing a user with a game of chance, the method comprising "receiving electronic signals from a user system representing search parameters descriptive of a product", "retrieving at least one product information from at least one database storing independent third-party retail vendor product information", "transmitting electronic signals to the user system representing the retrieved product information and associated prices", "automatically providing the user with an option to play a game to win a selected product from said product information without the user first making any payment or requesting the option", "electronically calculating a dynamic probability of winning the selected product by the user based on one or more factors selected from a group consisting of: the cost of the selected product in relation to the total cost of all products available, a current prize budget, a ratio of the current prize budget to a total amount of funds received, and the user's behavior during a user session", "electronically and randomly generating a trial outcome of an event trial, the probability of the event trial generating a winning trial outcome corresponding to the calculated probability of winning, generating an outcome indicator, wherein the outcome indicator is generated independently of the trial outcome, and wherein the outcome indicator is representative of a winning trial outcome or a losing trial outcome, and further wherein the outcome indicator for a winning trial outcome has a distribution associated with a first statistical distribution and the trial outcome has a distribution associated with a second statistical distribution, and further wherein the first statistical distribution has a distribution which is different from the second statistical distribution", and "displaying the outcome indicator to the user; and in response to a winning trial outcome, purchasing the selected product for the user from the independent third-party retail vendor at no cost to the user", all of which features are specifically recited features of independent Claim 1.

In view of the foregoing, Applicants respectfully submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest all of the specifically recited features of independent Claim 1 and, therefore, Applicants respectfully submit that the invention, as defined by independent Claim 1, is patentable over Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same.

Applicants further submit that Claims 2-9, 31, and 32, which claims depend either directly or indirectly from independent Claim 1, so as to include all of the limitations of independent Claim 1, are also patentable over the prior art as the aforementioned claims 2-9, 31, and 32 depend from allowable subject matter.

Next, Applicants submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest, “generating an outcome indicator, wherein the outcome indicator is generated independently of the trial outcome, and wherein the outcome indicator is representative of a winning trial outcome or a losing trial outcome, and further wherein the outcome indicator for a winning trial outcome has a distribution associated with a first statistical distribution and the trial outcome has a distribution associated with a second statistical distribution, and further wherein the first statistical distribution has a distribution which is different from the second statistical distribution”, and “displaying the outcome indicator to the user”, “in response to a winning trial outcome, purchasing the selected product for the user from the independent third-party retail vendor at no cost to the user”, all of which features are specifically recited features of independent Claim 10.

Applicants further respectfully submit that the present invention, as defined by independent Claim 10, is patentable over Walker I, bottomdollar, Walker II, Yoseloff, and any combination thereof. Applicants submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest, a method of providing a user with a game of chance, the method comprising "receiving electronic signals from a user system representing search parameters descriptive of a product", "retrieving at least one product information from at least one database storing independent third-party retail vendor product information", "transmitting electronic signals to the user system representing at least one product, a price of the product and the independent third-[arty retail vendor of the product", "automatically transmitting electronic signals representing at least a first option for the user to play a game to win the product without the user first making any payment or requesting the first option, and a second option to purchase the product", "if the user chooses to play the game: electronically calculating a dynamic probability of winning the product by the user based on one or more factors selected from a group consisting of: the cost of the selected product in relation to the total cost of all products available, a current prize budget, a ratio of the current prize budget to a total amount of funds received and the user's behavior during a user session", "electronically generating a trial outcome, the probability of the trial outcome generating a winning trial outcome corresponding to the calculated probability of winning", "generating an outcome indicator, wherein the outcome indicator is generated independently of the trial outcome, and wherein the outcome indicator is representative of a winning trial outcome or a losing trial outcome, and further wherein the outcome indicator for a winning trial outcome has a distribution associated with a first statistical distribution and the trial outcome has a distribution associated with a second statistical distribution, and further wherein the first statistical

distribution has a distribution which is different from the second statistical distribution”, “displaying the outcome indicator to the user”, “in response to a winning trial outcome, purchasing the product for the user from the independent third-party retail vendor at no cost to the user”, and if the user chooses to purchase the product instead of playing the game: directing the user to a web site which sells the product”, all of which features are specifically recited features of independent Claim 10.

In view of the foregoing, Applicants respectfully submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest all of the specifically recited features of independent Claim 10 and, therefore, Applicants respectfully submit that the invention, as defined by independent Claim 10, is patentable over Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same,

Applicants further submit that Claims 11, 13, and 14, which claims depend either directly or indirectly from independent Claim 10, so as to include all of the limitations of independent Claim 10, are also patentable over the prior art as the aforementioned claims 11, 13, and 14 depend from allowable subject matter.

Next, Applicants submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest, among other things, “wherein the outcome indicator is generated independently of the trial outcome, and wherein the outcome indicator is representative of a winning trial outcome or a losing trial outcome, and further wherein the outcome indicator for a winning trial outcome has a distribution associated with a first statistical distribution and the trial outcome has a distribution associated with a second statistical distribution, and further wherein the first statistical distribution has a distribution



which is different from the second statistical distribution”, all of which features are specifically recited features of independent Claim 15.

Applicants further respectfully submit that the present invention, as defined by independent Claim 15, is patentable over Walker I, bottomdollar, Walker II, Yoseloff, and any combination thereof. Applicants submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest, a method of providing a user with a game of chance, the method comprising “receiving electronic signals from a user system representing at least one search parameter descriptive of a product”, “retrieving at least one product information from at least one database storing independent third-party retail vendor product information”, “transmitting electronic signals to the user system representing a plurality of different independent third-party retail vendors and associated prices charged by each of said different independent third-party retail vendors for products identified in response to said at least one search parameter”, “automatically transmitting electronic signals to the user system representing an option to play a game to win a selected one of said products without the user first making any payment or requesting the option”, “and if the user chooses to play the game: electronically calculating a dynamic probability of winning said selected one product by the user based on one or more factors selected from a group consisting of: the cost of the selected product in relation to the total cost of all products available, a current prize budget, a ratio of the current prize budget to a total amount of funds received and the user's behavior during a user session”, “electronically generating a trial outcome, the probability of the trial outcome generating a winning trial outcome corresponding to the calculated probability of winning”, “generating an outcome indicator, wherein the outcome indicator is generated independently of the trial outcome, and wherein the outcome indicator is representative of a winning trial outcome or a

losing trial outcome, and further wherein the outcome indicator for a winning trial outcome has a distribution associated with a first statistical distribution and the trial outcome has a distribution associated with a second statistical distribution, and further wherein the first statistical distribution has a distribution which is different from the second statistical distribution”, “displaying the outcome indicator to the user”, and “in response to a winning trial outcome, purchasing said selected one product from a corresponding independent third-party retail vendor for the user at no cost to the user”, all of which features are specifically recited features of independent Claim 15.

In view of the foregoing, Applicants respectfully submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest all of the specifically recited features of independent Claim 15 and, therefore, Applicants respectfully submit that the invention, as defined by independent Claim 15, is patentable over Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same.

Applicants further submit that Claims 16, 18-19, and 29, which claims depend either directly or indirectly from independent Claim 15, so as to include all of the limitations of independent Claim 15, are also patentable over the prior art as the aforementioned claims 16, 18-19, and 29 depend from allowable subject matter.

Next, Applicants submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest, among other things, “wherein the outcome indicator is generated independently of the trial outcome, and wherein the outcome indicator is representative of a winning trial outcome or a losing trial outcome, and further wherein the outcome indicator for a winning trial outcome has a distribution associated with a first statistical distribution and the trial outcome has a distribution associated with a second

statistical distribution, and further wherein the first statistical distribution has a distribution which is different from the second statistical distribution”, all of which features are specifically recited features of independent Claim 21.

Applicants further respectfully submit that the present invention, as defined by independent Claim 21, is patentable over Walker I, bottomdollar, Walker II, Yoseloff, and any combination thereof. Applicants submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest, a method of providing a user with a game of chance, the method comprising “receiving electronic signals from a user system representing at least one search parameter descriptive of a product”, “searching for products matching said at least one search parameter”, “transmitting electronic signals to the user system representing a plurality of independent third-party retail vendors and associated prices charged by each of said independent third-party retail vendors for products identified in response to said at least one search parameter, each of the products identified being offered for sale on a corresponding web site of each independent third-party retail vendor”, “automatically transmitting electronic signals to the user representing an option to play a game to win a selected one of said products without the user first making any payment or requesting the option”, “and if the user chooses to play the game: electronically calculating a dynamic probability of winning said selected one product by the user based on one or more factors selected from a group consisting of: the cost of the selected product in relation to the total cost of all products available, a current prize budget, a ratio of the current prize budget to a total amount of funds received and the user's behavior during a user session”, “electronically generating a trial outcome, the probability of the trial outcome generating a winning trial outcome corresponding to the calculated probability of winning”, “generating an outcome indicator, wherein the outcome

indicator is generated independently of the trial outcome, and wherein the outcome indicator is representative of a winning trial outcome or a losing trial outcome, and further wherein the outcome indicator for a winning trial outcome has a distribution associated with a first statistical distribution and the trial outcome has a distribution associated with a second statistical distribution, and further wherein the first statistical distribution has a distribution which is different from the second statistical distribution”, “displaying the outcome indicator to the user”, and “in response to a winning trial outcome, purchasing said selected one product from a corresponding independent third-party retail vendor for the user at no cost to the user”, all of which features are specifically recited features of independent Claim 21.

In view of the foregoing, Applicants respectfully submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest all of the specifically recited features of independent Claim 21 and, therefore, Applicants respectfully submit that the invention, as defined by independent Claim 21, is patentable over Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same.

Next, Applicants submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest, among other things, “wherein the outcome indicator is generated independently of the trial outcome, and wherein the outcome indicator is representative of a winning trial outcome or a losing trial outcome, and further wherein the outcome indicator for a winning trial outcome has a distribution associated with a first statistical distribution and the trial outcome has a distribution associated with a second statistical distribution, and further wherein the first statistical distribution has a distribution which is different from the second statistical distribution”, all of which features are specifically recited features of independent Claim 22.

Applicants further respectfully submit that the present invention, as defined by independent Claim 22, is patentable over Walker I, bottomdollar, Walker II, Yoseloff, and any combination thereof. Applicants submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest, a method for providing a user an opportunity to win a product or service by playing a game of chance, the method comprising “enabling the user to submit a search query associated with a type of product or service”, “conducting a search in a database for an independent third-party retail vendor product or service that satisfies the search query”, “automatically presenting a result of the search to the user, including at least one product or service offered for sale by the independent third-party retail vendor retrieved from the database, along with an option to play the game”, “enabling the user to select the product or service that he wants to win”, “dynamically determining the user's chance of winning the selected product or service based on one or more factors selected from a group consisting of: the cost of the selected product in relation to the total cost of all products available, a current prize budget, a ratio of the current prize budget to a total amount of funds received and the user's behavior during a user session”, “generating a trial outcome for each play of the game wherein the probability of the trial outcome generating a winning trial outcome corresponds to the user's chance of winning”, “generating an outcome indicator, wherein the outcome indicator is generated independently of the trial outcome, and wherein the outcome indicator is representative of a winning trial outcome or a losing trial outcome, and further wherein the outcome indicator for a winning trial outcome has a distribution associated with a first statistical distribution and the trial outcome has a distribution associated with a second statistical distribution, and further wherein the first statistical distribution has a distribution which is

different from the second statistical distribution”, and “displaying the outcome indicator to the use”, all of which features are specifically recited features of independent Claim 22.

In view of the foregoing, Applicants respectfully submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest all of the specifically recited features of independent Claim 22 and, therefore, Applicants respectfully submit that the invention, as defined by independent Claim 22, is patentable over Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same,

Applicants further submit that Claims 23-30, which claims depend either directly or indirectly from independent Claim 22, so as to include all of the limitations of independent Claim 22, are also patentable over the prior art as the aforementioned claims 23-30 depend from allowable subject matter.

Next, Applicants submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination thereof, do not disclose, teach, or suggest, “electronically calculating a dynamic probability of winning the corresponding product by the user”, which feature is specifically recited feature of independent Claim 33.

Applicants also respectfully submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination thereof, do not disclose, teach, or suggest, “displaying the outcome indicator to the user”, which feature is specifically recited feature of independent Claim 33.

Applicants further submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination thereof, do not disclose, teach, or suggest, “in response to a winning trial outcome, purchasing the selected products for the user from the independent third-party retail vendor at no cost to the user”, both of which features are specifically recited features of independent Claim 33.

Applicants further respectfully submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination thereof, do not disclose, teach, or suggest, “electronically and randomly generating a trial outcome of an event trial, the probability of the event trial generating a winning trial outcome corresponding to the calculated probability of winning”, both of which features are specifically recited features of independent Claim 33.

Applicants submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest, “generating an outcome indicator, wherein the outcome indicator is generated independently of the trial outcome, and wherein the outcome indicator is representative of a winning trial outcome or a losing trial outcome, and further wherein the outcome indicator for a winning trial outcome has a distribution associated with a first statistical distribution and the trial outcome has a distribution associated with a second statistical distribution, and further wherein the first statistical distribution has a distribution which is different from the second statistical distribution”, and “displaying the outcome indicator to the user; and in response to a winning trial outcome, purchasing the selected product for the user from the independent third-party retail vendor at no cost to the user”, all of which features are specifically recited features of independent Claim 33.

Applicants further respectfully submit that the present invention, as defined by independent Claim 33, is patentable over Walker I, bottomdollar, Walker II, Yoseloff, and any combination thereof. Applicants submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest, a method for increasing user traffic to a search engine website, the method comprising “receiving a search query from a user system interacting with a search webpage of the website, the search query defining a desired product for

the user”, “transmitting a results webpage to the user system, the results webpage including at least one link for redirection to an independent third party vendor website where the user system can interact with at least one webpage to purchase a corresponding product and further including in the same webpage a play link corresponding to the independent third party vendor link for redirection to a webpage which allows the user to play a game of chance to win the product at no cost to the user, the link corresponding to the independent third party website redirection link”, “electronically calculating a dynamic probability of winning the corresponding product by the user”, “electronically and randomly generating a trial outcome of an event trial, the probability of the event trial generating a winning trial outcome corresponding to a determined probability of winning”, “generating an outcome indicator wherein the outcome indicator is generated independently of the trial outcome, and wherein the outcome indicator is representative of a winning trial outcome or a losing trial outcome, and further wherein the outcome indicator for a winning trial outcome has a distribution associated with a first statistical distribution and the trial outcome has a distribution associated with a second statistical distribution, and further wherein the first statistical distribution has a distribution which is different from the second statistical distribution”, “displaying the outcome indicator to the user”, and “in response to a winning trial outcome, purchasing the selected product for the user from the independent third-party retail vendor at no cost to the user”, all of which features are specifically recited features of independent Claim 33.

In view of the foregoing, Applicants respectfully submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest all of the specifically recited features of independent Claim 33 and, therefore, Applicants respectfully submit that the invention, as defined by independent Claim 33, is patentable over Walker I,



bottomdollar, Walker II, Yoseloff, and any combination of same.

Applicants further submit that Claim 34, which claim depends either directly or indirectly from independent Claim 33, so as to include all of the limitations of independent Claim 33, is also patentable over the prior art as the aforementioned Claim 33 depends from allowable subject matter.

Next, Applicants submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest, among other things, “wherein the outcome indicator is generated independently of the trial outcome, and wherein the outcome indicator is representative of a winning trial outcome or a losing trial outcome, and further wherein the outcome indicator for a winning trial outcome has a distribution associated with a first statistical distribution and the trial outcome has a distribution associated with a second statistical distribution, and further wherein the first statistical distribution has a distribution which is different from the second statistical distribution”, all of which features are specifically recited features of independent Claim 35.

Applicants further respectfully submit that the present invention, as defined by independent Claim 35, is patentable over Walker I, bottomdollar, Walker II, Yoseloff, and any combination thereof. Applicants submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest, a method for increasing user traffic to a search website, the method comprising “providing a search webpage containing a search interface for a user to submit a search query for a product”, “receiving a search query from a user employing said search webpage”, “searching independent third party websites by reference to said query”, “retrieving product information and corresponding price from the independent third party websites for at least one products satisfying said query”, “providing a game of chance in

response to a user selection of the link to win the product”, “purchasing the product from the independent third party for the user response to a favorable outcome in said game”, “transmitting at least one results webpage to the user, the results webpage including at least one link for the product information, a corresponding price, a link to the independent third party website, and a link to win the product”, “providing a game of chance in response to a user selection of the link to win the product, wherein the probability of winning the product by the user is dynamically calculated based on one or more factors selected from a group consisting of: the cost of the selected product in relation to the total cost of all products available, a current prize budget, a ratio of the current prize budget to a total amount of funds received and the user's behavior during a user session”, “generating an outcome indicator, wherein the outcome indicator is generated independently of the probability of winning, and wherein the outcome indicator is representative of a winning trial outcome or a losing trial outcome, and further wherein the outcome indicator for a winning trial outcome has a distribution associated with a first statistical distribution and the probability of winning has a distribution associated with a second statistical distribution, and further wherein the first statistical distribution has a distribution which is different from the second statistical distribution” “displaying the outcome indicator to the user”, and “purchasing the product from the independent third party for the user in response to a favorable outcome in said game and providing said product to the user at no cost to the user”, all of which features are specifically recited features of independent Claim 35.

In view of the foregoing, Applicants respectfully submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest all of the specifically recited features of independent Claim 35 and, therefore, Applicants respectfully

submit that the invention, as defined by independent Claim 35, is patentable over Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same.

Next, Applicants submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest, among other things, “wherein the outcome indicator is generated independently of the trial outcome, and wherein the outcome indicator is representative of a winning trial outcome or a losing trial outcome, and further wherein the outcome indicator for a winning trial outcome has a distribution associated with a first statistical distribution and the trial outcome has a distribution associated with a second statistical distribution, and further wherein the first statistical distribution has a distribution which is different from the second statistical distribution”, all of which features are specifically recited features of independent Claim 36.

Applicants further respectfully submit that the present invention, as defined by independent Claim 36, is patentable over Walker I, bottomdollar, Walker II, Yoseloff, and any combination thereof. Applicants submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest, a product search website executing on a server storing a plurality of web pages, the website comprising “a search page for a user submitting a query to the server for at least one product”, “a results webpage transmitted to the user, the results page including links to an independent third party website and a link to a play webpage of the website”, “a play webpage providing a game of chance for winning the at least one product corresponding to a selected play link from the results webpage, wherein a probability of winning the at least one product by the user is dynamically calculated based on one or more factors selected from a group consisting of: the cost of the selected product in relation to the total cost of all products available, a current prize budget, a ratio of the current

prize budget to a total amount of funds received and the user's behavior during a user session”, and “a product win webpage to display an outcome indicator indicating a favorable outcome in said game of chance for the at least one product, wherein the outcome indicator is generated independently of the probability of winning, and wherein the outcome indicator is representative of a winning trial outcome or a losing trial outcome, and further wherein the outcome indicator for a favorable outcome has a distribution associated with a first statistical distribution and the probability of winning has a distribution associated with a second statistical distribution, and further wherein the first statistical distribution has a distribution which is different from the second statistical distribution”, all of which features are specifically recited features of independent Claim 36.

In view of the foregoing, Applicants respectfully submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest all of the specifically recited features of independent Claim 36 and, therefore, Applicants respectfully submit that the invention, as defined by independent Claim 36, is patentable over Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same.

Finally, Applicants submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest, a computer-implemented method comprising “receiving a search request for a product, wherein the search request is transmitted from a communication device associated with or used by a user”, “processing the search request with a processing device”, “generating a message, wherein the message contains information regarding at least one product offered by a retail vendor, product information regarding the at least one product, and at least one price associated with the at least one product”, “transmitting the message to the communication device”, “automatically providing the user with an option to

play a game to win a selected product from the product information regarding the at least one product without the user first making any payment or requesting the option”, “electronically calculating a dynamic probability of winning the selected product by the user based on one or more factors selected from a group consisting of: the cost of the selected product in relation to the total cost of all products available, a current prize budget, a ratio of the current prize budget to a total amount of funds received, and the user's behavior during a user session”, “electronically and randomly generating a trial outcome for a game of chance, wherein the probability of the game of chance generating a winning trial outcome corresponds to the calculated probability of winning”, “generating an outcome indicator, wherein the outcome indicator is generated independently of the trial outcome, and wherein the outcome indicator is representative of a winning trial outcome or a losing trial outcome, and further wherein the outcome indicator for a winning trial outcome has a distribution associated with a first statistical distribution and the trial outcome has a distribution associated with a second statistical distribution, and further wherein the first statistical distribution has a distribution which is different from the second statistical distribution”, “displaying the outcome indicator to the user”, and “in response to a winning trial outcome, purchasing the selected product for the user from the independent third-party retail vendor at no cost to the user”, all of which features are specifically recited features of independent Claim 37.

In view of the foregoing, Applicants respectfully submit that Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same, do not disclose, teach, or suggest all of the specifically recited features of independent Claim 37 and, therefore, Applicants respectfully submit that the invention, as defined by independent Claim 37, is patentable over Walker I, bottomdollar, Walker II, Yoseloff, and any combination of same,

### III. CONCLUSION

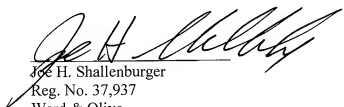
In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is respectfully requested. Allowance of pending Claims 1-11, 13-16 and 18-37 is respectfully requested.

Should any amendments to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same. If a petition and/or any other fees are required, the Patent and Trademark Office is specifically authorized to charge such fee to Deposit Account No. 23-0420 in the name of Ward & Olivo.

Respectfully submitted,

Date: \_\_\_\_\_

2/5/09

  
Joe H. Shallenburger  
Reg. No. 37,937  
Ward & Olivo  
382 Springfield Avenue  
Suite 300  
Summit, New Jersey 07901  
(908) 277-3333